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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re the Application of:

SCHMIDT

Serial No.: 10/655,889

Filed: September 4, 2003

Atty. File No.: 2848-28-PUS-1-1

For: "USE OF NEUROTOXIN  
THERAPY FOR TREATMENT OF  
UROLOGICAL-NEUROLOGICAL  
DISORDERS ASSOCIATED WITH  
PROSTATE CANCER"

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION  
Under 37 CFR 1.47(b)

**EXPRESS MAIL: EV368036430US**

05/26/2004 HTECKLU1 00000034 10655889

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Dear Sir:

Applicants hereby petition, pursuant to 37 CFR § 1.47(b), for acceptance of the accompanying Declaration under 37 CFR 1.63 and the completion of the above-identified application when the sole inventor, Richard Schmidt, refuses to sign.

The last known residential address for inventor Richard Schmidt is 12136 W. 75<sup>th</sup> Lane, Arvada, Colorado 80005.

Enclosed herewith are the following documents:

1) A Declaration under 37 CFR 1.63, which has been executed by an officer of the current Assignee of the application, The Regents of the University of Colorado, which Assignee has a proprietary interest in the matter justifying this action;

2) Written proof (attached to Statement by the Assignee in item (4) below) that the inventor has assigned or agreed in writing to assign the invention to the Assignee, in the form of: (1) a copy of the executed Assignment of the invention from inventor Richard Schmidt to University Technology Corporation, which was recorded in the grandparent application U.S. Application Serial No. 09/463,040 at Reel 011143-Frame 0195, and which explicitly assigns "all continuation,

divisional, continuation-in-part and reissue applications" for the invention to University Technology Corporation; and (2) a copy of the executed Assignment of the invention from University Technology Corporation to The Regents of the University of Colorado, which was recorded in the grandparent application U.S. Application Serial No. 09/463,040 and in the parent application U.S. Application Serial No. 09/978,982 at Reel 013740-Frame 0607, and which explicitly assigns "any continuations, divisions, continuations-in-part, reissues or extensions thereof" for the invention to The Regents of the University of Colorado;

3) A Declaration by Ms. Annalissa Philbin of the University of Colorado Technology Transfer Office providing proof of the pertinent facts related to inventor Schmidt's refusal to execute the application documents;

4) A statement under 37 CFR 3.73(b) by the Assignee of record establishing the right of the Assignee to take action in the above-identified application and a statement by the Assignee of record that this action is necessary to preserve the rights of the parties or to prevent irreparable damage; and

6) The requisite fee under 37 CFR 1.17(h).

Please debit any underpayment or credit any overpayment to Deposit Account No. 19-1970.

Respectfully submitted,

SHERIDAN ROSS P.C.

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Date: May 20, 2004